



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,954	06/27/2001	Nicole S. Carpenter	BUR920000141US1	3823
29505	7590	12/12/2003	EXAMINER	
DELIO & PETERSON, LLC 121 WHITNEY AVENUE NEW HAVEN, CT 06510			WINTER, GENTLE E	
			ART UNIT	PAPER NUMBER
			1746	
DATE MAILED: 12/12/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/892,954

Applicant(s)

CARPENTER ET AL.

Examiner

Gentle E. Winter

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Zeinab El-Arini

ZEINAB EL-ARINI
PRIMARY EXAMINER

Continuation of 10. Other: Applicant argues that the claims in their present form are distinguishable over the prior art of record. Additionally, Applicants indicated a willingness to further clarify claim 1, if necessary. Potentially by inserting in the claim that the removing step include that the strippable film is removed in the form of a strippable film. This would further highlight the difference between Applicants' invention and the Japanese reference. Support for such an amendment may be found throughout the application and in the drawings. While it is believed that such an amendment might overcome at least some of the pending rejections, the amendment would not immediately place the application in position for allowance, as a new search would need to be undertaken.

Additionally, claim 7, in its current form recites a "curable polymer". Claim 7 remains rejected and the proposed claim clarification would not be helpful in overcoming this rejection.

With respect to claim 7 Applicants stated:

While Malotky does show formation of a polymer film it is clear that Malotky does not remove the polymer film as a strippable film as claimed by Applicants. Malotky forms the polymer film and then the solid polymer containing the toxic chemical agent may be liquefied, solubilized or decross-linked using, for example, an Alconox in water solution. This removes the polymer film together with the immobilized chemical agents. Accordingly, a polymer film is formed but is not removed as a strippable film as in Applicants' invention.

Unfortunately, the arguments are not persuasive, the Malotky reference discloses removal by "physical means" and repeatedly (see title for example) makes reference to the coating being "strippable". As such, the rejection cannot properly be withdrawn at this time. .